

Before the
Federal Communications Commission
Washington, D.C. 20554

In the matter of)	
)	
Steven D. Semon, Jackie L. Semon)	File Number EB-02-KC-755
dba Sedalia Smiles, Owner of Antenna Structure)	
# 1010169)	NAL/Acct. No.200332560004
near Everton, Missouri)	
Sedalia, Missouri)	FRN 0005-8717-93

MEMORANDUM OPINION AND ORDER

Adopted: April 27, 2004

Released: April 29, 2004

By the Chief, Enforcement Bureau:

1. In this *Memorandum Opinion and Order* (“*Order*”), we cancel a ten thousand dollar (\$10,000) *Notice of Apparent Liability for Forfeiture* (“*NAL*”)¹ issued to Steven D. Semon, Jackie L. Semon dba Sedalia Smiles (“*Sedalia Smiles*”), owner of antenna structure # 1010169 near Everton, Missouri for its apparent willful and repeated violation of Section 17.51(b)² of the Commission’s Rules (“*Rules*”). The alleged violation involved Sedalia Smiles’ failure to exhibit the required obstruction lighting for the tower. Based on our review of Sedalia Smiles’ response to the *NAL* and the overall record, we conclude that Sedalia Smiles did not willfully and/or repeatedly violate Section 17.51(b) of the Rules. Thus, we conclude that no forfeiture should be imposed.

2. Accordingly, **IT IS ORDERED** that, pursuant to Section 504(b) of the Communications Act of 1934, as amended, and Section 1.80(f)(4) of the Rules,³ the instant *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200332560004, **IS CANCELLED**.

3. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent first class mail and certified mail, return receipt requested, to Steven D. Semon and Jackie L. Semon dba Sedalia Smiles, 720 E. Fifth St., Sedalia, MO 65301.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

¹ *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200332560004 (Enf. Bur., Kansas City Office rel. November 5, 2002)

² 47 C.F.R. § 17.51(b)

³ See 47 U.S.C. § 504(b); 47 C.F.R. § 1.80(f)(4).